

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUCIO DIAZ-ORELLANA,

Plaintiff,

v.

KIRSTJEN M NIELSEN, et al.,

Defendants.

Case No. [3:18-cv-03448-WHO](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Petitioner Lucio Diaz-Orellana filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, et seq. seeking his release from the custody of the Department of Homeland Security, United States Immigration and Customs Enforcement. Pet. (Dkt. No. 1). He is currently being detained at the Mesa Verde Detention Facility, and he has paid the \$5.00 filing fee. Petitioner claims that the Board of Immigration Appeals review of the Immigration Judge's November 9, 2016 bond decision violated Agency Regulations and resulted in impingement of his due process rights under the Fifth Amendment. Pet. at 24–25.

These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondents are ordered to show cause as to why the petition should not be granted.

In order to expedite the resolution of this case, it is further ordered that:

1. The Clerk shall serve Respondents with a copy of this order and the petition with all attachments.
2. Respondents shall file with the Court and serve on Petitioner, within three days of service of the petition and this order, an answer showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

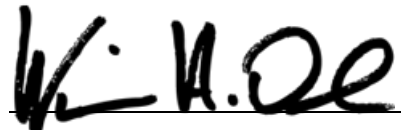
See 28 U.S.C. § 2243.

3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on Respondents within two days of the date the answer is filed.

A hearing on this matter may thereafter be set.

IT IS SO ORDERED.

Dated: June 18, 2018



William H. Orrick
United States District Judge